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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/295,830 04/21/99 HEINLE

H 1-21294

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EXAMINER

004859 PM82/0306
MACMILLAN SOBANSKI & TODD, LLC
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720 WATER STREET
TOLEDO OH 43604-1619

VANAMAN, F ART UNIT	PAPER NUMBER
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3611
DATE MAILED:

12

03/06/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/295,830

Applicant(s)
Heinle et al.

Examiner
Frank Vanaman

Group Art Unit
3611



☒ Responsive to communication(s) filed on Nov 2, 2000 and Dec. 26, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 15-27 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 15-27 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Status of Application

1. Applicant's amendments, filed Nov. 2, 2000 and Dec. 26, 2000 have been entered in the application. Claims 15-27 are pending, claims 1-14 having been canceled.

Claim Objections

2. Claim 27 is objected to because of the following informalities: the claim has been written to depend from itself (note line 1), for the purpose of this office action, claim 27 is assumed to be dependent upon claim 22. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 15-20, and 22-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Weizenburger et al. (US 5,234,051, cited previously). Weizenburger et al. teach a vehicle having a support (17) with a lower portion (9) upon which is supported a plurality of radiators (3, 4, 5, 6-10), and wherein a chamber is defined between the radiators and support (on the front, top and sides by radiator 6-10, on the rear by radiators 3-4-5, on the bottom by support 9), wherein one of the radiators (6-10) is pivotably supported (note phantom, figures 1, 1a) so as to provide access to the interior of the chamber, wherein a cooling fan (1) is positioned outside the chamber for drawing air through the radiators and chamber.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 21 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weizenburger et al. in view of Moranne (US 4,315,540, cited previously). Weizenburger et al.

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teach a vehicle having a support with a lower portion upon which is supported a plurality of radiators, and wherein a chamber is defined between the radiators and support (on the front, top and sides by radiator 6-10, on the rear by radiators 3-4-5, on the bottom by support 9), wherein one of the radiators is pivotably supported so as to provide access to the interior of the chamber, wherein a cooling fan is positioned outside the chamber for drawing air through the radiators and chamber. The reference of Weizenburger et al. fails to teach the lower portion has having upstanding brackets. Moranne teaches a radiator mounting scheme wherein a lower support (6) is provided with a plurality of upstanding brackets (8, 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a plurality of upstanding brackets as taught by Moranne on the lower portion of the support of Weizenburger et al. for the purpose of providing a secure mounting for the radiators of the vehicle of Weizenburger et al.

Response to Arguments

7. Applicant's arguments have been carefully considered. The arguments that the Bentz reference fails to teach a plurality of radiators is noted, however it appears as though applicant is referring to the Bentz reference issued as U.S. Patent 3,203,499, and not the reference which was cited and specifically referred to by patent number in the office action, namely the Bentz reference bearing U.S. Patent number 3,921,603. Note also that the reference to Bentz ('499) does actually teach a plurality of radiators as well, see reference numerals 12 and 13.

Applicant's arguments that the claims as now recited define beyond the Bentz ('603) reference are noted. Please note that the rejections based upon the Bentz reference have been withdrawn at this time.

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Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is (703) 308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Assistant Commissioner for Patents
Washington, DC 20231

or faxed to :

(703) 305-3597 or 305-7687 (for formal communications intended for entry;
informal or draft communications may be faxed to the same number but should be
clearly labeled "UNOFFICIAL" or "DRAFT")

F. VANAMAN
Primary Examiner
Art Unit 3611

F. Vanaman
March 5, 2001



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